

REMARKS

Claims 1-13 are pending in this application. By this Amendment, claim 4 is amended. No new matter is added. In view of at least the following remarks, reconsideration and allowance are respectfully requested.

Claim 4 is objected to because the phrase "the two segments" lack antecedent basis. This objection is obviated by the above amendments.

Claims 1-13 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,150,672 (Whitney) in view of U.S. Patent No. 6,017,330 (Hitchins). This rejection is respectfully traversed.

The applied references fail to disclose or suggest an injection device including "connecting means comprising at least three bosses which are integral with the nozzle, said bosses each comprising an inclined part which is terminated by a flange, said flange cooperating with a collar which is formed on the reservoir," as recited in independent claim 1.

The Office Action alleges that Whitney discloses a nozzle 30 with connecting means 34 to connect with reservoir 11 (Fig. 1). The Office Action also alleges that Hitchins discloses an injection device 5 including injection nozzle 20 and glass tube 50 that is connected to the nozzle via connecting means 28 (Fig. 1b). The Office Action alleges that connecting means 28 includes at least three identical bosses 120, 120', 128, 128' that are integral with the nozzle and include an inclined part that is terminated by a flange which cooperates with collar 166 (Figs. 3A and 6A). The Office Action further alleges that it would have been obvious to a person of ordinary skill in the art at the time of the invention "to use the connecting means of Hitchins instead of the threads of Whitney since both serve the same purpose and could be interchanged with one another without altering the function of the device. It has been held that substituting one element for another element which serves the same purpose is within the skill of an ordinary worker in the art." See Office Action at

page 4.

However, even if Whitney is modified as alleged in the Office Action, the combined references fail to disclose or suggest that "said flange [of the connecting means] cooperating with a collar which is formed on the reservoir," as required in claim 1. Claim 1 requires that the bosses of the connecting means include flanges that cooperate with the collar formed on the reservoir, as can be seen, for example, in the embodiment illustrated in Figs. 6 and 7, where flange 331 cooperates with collar 55 to secure the reservoir to the nozzle.

In contrast, the alleged connecting means 34 of Whitney constitute external threads 34 that directly engage housing 14, not to a reservoir. See Whitney at col. 6, lines 38-42. For example, as shown in more detail in Fig. 6 of Whitney, threads 34 directly engage the walls of housing unit 14. See Whitney at col. 6, lines 64-68. Thus, even if the alleged bosses in the connecting means of Hitchins are replaced with the threads of Whitney, the combined references still fail to disclose or suggest that a flange of the bosses cooperates with a collar that is formed on the reservoir because the alleged connecting means in Whitney does not cooperate with ampule 11 (alleged reservoir), but instead is configured to directly engage housing 14. For example, the injection device shown in Fig. 1 of Whitney is an exploded view where the ampule 11 is configured to insert into casing 24, but is not connected to the nozzle via threads 34. Accordingly, the Examiner's alleged modification of Whitney with the connecting means in Hitchins fails to disclose or suggest the claimed invention.

Furthermore, the Examiner improperly assumes that item 20 in Fig. 1A of Hitchins is a nozzle. For example, it is apparent from the disclosure of Hitchins that item 20 is an injector which constitutes an injector housing with piston 22, and a motor or hydraulic system for actuating piston 22. See Hitchins at col. 7, lines 19-30. The injector 20 in Hitchins does not include an active substance. In this regard, it is apparent that the active substance in Hitchins would be contained in syringe 10. In this regard, the Examiner's expansive

interpretation of the phrase "injection nozzle" to mean any part of an injection device is clearly erroneous in view of the plain meaning of the word "nozzle," and the language of claim 1 which recites that "an active substance that is to be injected through the injection nozzle." The specification similarly indicates that the injection nozzle is used to inject an active substance. See, e.g., specification at page 8, lines 30-34.

Accordingly, the connecting means of Hitchins is used to connect the syringe member 10 with injector 20, and is not used to connect a nozzle to a reservoir as required in claim 1. Additionally, as discussed above, the threads 34 of Whitney (Fig. 1) are used to connect the alleged nozzle 30 with housing 14, not ampule 11. In this regard, the connecting means of Hitchins and the threads of Whitney do not serve the same purpose as alleged in the Office Action, and neither reference discloses that the connecting means is used to connect a nozzle to a reservoir.

Accordingly, it is unclear how the Examiner proposes to modify the threads 34 of Whitney with the connecting means 28 of Hitchins, as alleged in the Office Action, to arrive at the claimed invention. That is, the Office Action has failed to provide explicit "articulated reasoning with a rational underpinning" to support its legal conclusion of obvious. *KSR Int'l Co. v. Teleflex, Inc.*, No. 04-1350, slip op. at 14 (U.S. April 30, 2007), citing *In re Khan*, 441 F.3d 997, 998 (Fed. Cir. 2006). For the above reasons, independent claim 1 is patentable over the applied references.

Claims 2-13 depend from claim 1 and are therefore also patentable over the applied references for at least for the reasons enumerated above, as well as for the additional features they recite.

Accordingly, withdrawal of the rejections is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-13 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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